

NATIONAL SECURITY AGENCY
FORT GEORGE G MEADE, MARYLAND 20755-6000Serial: J9837D-92
21 February 1996

Mr. Arnold Beichman
Senior Research Fellow
Hoover Institution
Stanford, CA 94305-6010

Dear Mr. Beichman:

This is the third in a series of partial replies to your 6 July 1993 letter appealing the National Security Agency's (NSA) refusal to release records responsive to your 16 December 1992 Freedom of Information Act (FOIA) request for information related to "U.S. intercepted encoded Soviet messages...together with their decoded contents," specifically VENONA material originated during 1936-1947. On 10 July 1995, we provided you with the first 49 translations of the VENONA material, and on 10 October we provided you with another 259 translations. The declassification review of another set of documents has been completed, and translations of 559 messages are enclosed at Tab A. Additional document sets will be provided to you at a later date as their review is completed.

Some of the information deleted from the enclosures continues to meet the standards for classification set forth in subparagraph (a) of section 1.2 of Executive Order 12958. In addition, the information meets the specific criteria for classification established in section 1.5(b) and (c) and requires continued protection despite its age as set forth in section 3.4(b)(1). The information remains currently and properly classified CONFIDENTIAL and TOP SECRET in accordance with section 1.3 of Executive Order 12958. The information is classified because its disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Accordingly, the information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(1).

Moreover, this same information is also protected against disclosure by 5 U.S.C. § 552(b)(3) which provides that the FOIA does not apply to matters that are specifically exempted from disclosure by statute. The applicable statutory provisions with regard to the information being withheld are: 18 U.S.C. § 798, which prohibits the release of classified information concerning communications intelligence activities to unauthorized persons; the National Security Act, 50 U.S.C. § 403-3(c)(5), which protects information pertaining to intelligence sources and methods; and Section 6 of the National Security Agency Act of 1959, (Public Law 86-36, 50 U.S.C. § 402 note), which provides that no law shall be construed to require the disclosure of the organization, personnel, functions or activities of NSA.

In addition, information regarding other individuals has been deleted from the enclosures in accordance with 5 U.S.C. § 552(b)(6). This exemption protects from

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disclosure information which would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, I have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.


It has been determined that NBF serial numbers contained in the documents may now be released. Those numbers have been highlighted in the first few messages of the enclosed documents so that you can determine where they appear in documents previously released to you. Because those numbers do not add any substantive value to the information contained in the documents, we assume that you do not require that we reinstate those numbers in the copies of the previously released documents.

Because information has been withheld from the enclosed documents, you may consider this to be a partial denial of your appeal. You are hereby advised of your rights under 5 U.S.C. § 552 to seek judicial review of this determination. You may seek an order from the United States District Court in the district in which you reside, in which you have your principal place of business, in which the Agency's records are situated (U.S. District Court of Maryland), or in the District of Columbia for the production of any Agency information which you consider to have been improperly withheld from the enclosed documents by this Agency. Title 5 U.S.C. § 552(a)(4)(B) sets out your rights in this matter with respect to such judicial action. You may wish to reserve your right to judicial review until we complete the processing of the documents.

A public release of the enclosed information is scheduled, and the information will also be made available for public inspection at the National Cryptologic Museum in Fort Meade, Maryland. Because of the unusual nature of the documents being released, a monograph explaining the translations has been prepared for the public releases. I have included a copy of the monograph with the enclosures for your use.

As we progress in the analysis and review of the VENONA materials, we have determined that some of the names withheld from previously released messages are now releasable. At Tab B you will find seven messages which were released to you in July with reinstated names.

Sincerely,


WILLIAM P. CROWELL
Freedom of Information Act/Privacy Act
Appeals Authority

Encls:

a/s

NSA STAFF PROCESSING FORM

TO: D/DIR

EXREG CONTROL NUMBER

KCC CONTROL NUMBER
J9837D-92

* 56289 *

THRU: ExecDir

ACTION

☐ APPROVAL

☒ SIGNATURE

☐ INFORMATION

EXREG SUSPENSE

KCC SUSPENSE

ELEMENT SUSPENSE

SUBJECT: FOIA Appeal - Arnold Beichman - Hoover Institution

DISTRIBUTION

ExecDir, ExReg, N5P5

SUMMARY

PURPOSE: To provide a FOIA requester with a third set of VENONA translations, explain his judicial review rights, and provide him with a copy of the monograph that will accompany the public release.

BACKGROUND: Mr. Arnold Beichman of the Hoover Institution submitted a FOIA request in December 1992 for "U.S. intercepted encoded Soviet messages...together with their decoded contents," specifically VENONA material originated during 1936-1947. All of the documents were denied in their entirety. Mr. Beichman appealed in July 1993. An interim response was sent to the requester on 31 May 1995 explaining that the documents were undergoing a declassification review. The first set of 49 translations was sent to Mr. Beichman on 10 July 1995, and the second set (259) was sent to him on 10 October. This third partial appeal response provides Mr. Beichman with copies of 559 Venona translations, scheduled to be released to the public on or about 14 February.

Deletions to the documents are made by NSA in accordance with (b)(1), (b)(3)/all statutes, and (b)(6) of the FOIA. For a detailed description of the rationale for withholding information, see tab (Redactions, 3rd Release) inside. In addition, a complete listing of the names withheld and released, along with an explanation, can be found inside at tab (Names). The entire list of names is included for completeness because some of the names considered in the 1st and 2nd releases are also at issue in the 3rd release. (As we progress in the review of the documents, some names withheld in earlier releases are subsequently determined to be releasable.) A key to understanding which names appeared for the first time in each release is included on page 2 of the list.

British Sigint NBF serial numbers, deleted from the first two document sets, are being released in this and all future document sets. Because the numbers do not add any substantive value to the documents, we are not reinstating the numbers in the previously released messages at this time. Following release of the final VENONA document set, the NBF numbers and names subsequently determined to be releasable will be reinstated in earlier messages in order to have the most complete set in the public domain. Seven messages of significant historical value from the 1st release (A-bomb) are reissued to the requester with this response in order to provide him with some names that have subsequently been determined to be releasable. We will explain to the requester in our final response to him that copies of messages containing additional reinstated names will be provided to him in a follow-up release.

(b) (3) - P.L. 86-36

RECOMMENDATION: We recommend you sign the appeal response.

COORDINATION/APPROVAL

OFFICE	DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
ExReg	2/20/96	963-3201			
D/GC	2/16/96	963-5047			
N5P5	2/13/96	963-5827			

ORG.
U3

PHONE (Secure)
963-4057

DATE PREPARED
6 February 1996